

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks.

Rulemaking 93-04-003
(Filed April 7, 1993)

Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002
(Filed April 7, 1993)

(Verizon UNE Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION FOR ORDER COMPELLING
RESPONSE TO DATA REQUEST 898**

AT&T Communications of California, Inc., and MCI, Inc. (Joint Commentors) filed a motion seeking an order compelling Verizon California, Inc. (Verizon), to respond to Data Request No. 898 (DR 898) of their Twenty-Third Set of Data Requests. Pursuant to an e-mail ruling, the undersigned Administrative Law Judge (Law and Motion) shortened time for Verizon's response to this motion. A telephonic law and motion hearing was conducted on July 21, 2004, with the following participants: attorney Richard Young and consultant Steve Turner representing AT&T and attorneys William Richardson and Marc Blitz and consultants Mike Matthews and Jerry Harris representing Verizon. The Joint Commentors' motion to compel and Verizon's response have been fully considered.

This dispute involves a database maintained as part of Verizon's Integrated Computer Graphics System (ICGS) and two software-based models. The database contains both graphical representations of "outside plant" components of Verizon's California network and certain cost information for those components. Graphical data was extracted from this database and used in a software-based cost model (called "VC") used by Verizon to prepare submissions for this proceeding. The cost information for this model, however, was drawn from sources other than the ICGS database, such as actual work orders, to produce cost projections for the routing of the company's "forward-looking network." The graphical and actual order information has previously been provided by Verizon to Joint Commentors.

Verizon also maintains a second software-based model, called a "pricing tool," used by engineers in the regular course of business to estimate the cost of discrete work to be undertaken, such as the installation of a length of cable. The pricing tool also uses the database maintained in the ICGS system, as well as cost information "rule sets" for such cost categories as labor.

DR 898 seeks Verizon's pricing tool. Verizon argues that the pricing tool was not used to develop the specific cost studies prepared for this proceeding. The Joint Commentors respond that access to this pricing tool will enable them to compare work estimates with the cost studies prepared by Verizon for this proceeding.

The potential ability to compare results of Verizon's pricing tool with the results of Verizon's cost study for the company's California network provides a sufficient basis for granting Joint Commentors' motion. Such a comparison may result in evidence admissible in this proceeding or may reasonably lead to the discovery of admissible evidence.

This determination is consistent with Judge Duda's earlier rulings in this proceeding. While Judge Duda disallowed the use of SBC's JAMS model, her decision suggests that the JAMS model, prepared for the Midwest and not California, would not produce evidence admissible in this proceeding or reasonably lead to such admissible evidence. See e-mail ruling of January 27, 2003 (attached to Verizon's opposition).

IT IS RULED as follows:

1. The motion of AT&T Communications of California, Inc. and MCI, Inc. (Joint Commentors), dated July 12, 2004, is granted.
2. On or before Friday, July 30, 2004, Verizon California Inc. shall either:
 - (1) answer Data Request 898 and provide the information requested therein, or
 - (2) provide onsite access to the Joint Commentors' representatives so that they may obtain the information requested in Data Request 898.
3. Joint Commentors' attorneys and representatives shall execute confidentiality agreements, in a form normally used for the provision of the type of information requested in Data Request 898, before obtaining the requested information or onsite access to it.

Dated July 23, 2004, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson
Law and Motion Judge
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion for Order Compelling Response to Data Request 898 on all parties of record in this proceeding or their attorneys of record.

Dated July 23, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.